

REMARKS

Claims 1 -36 are pending. Claims 1 -3, 7, 9-16, 18, 20-23, 25-31, and 33-36 are rejected under 35 U.S.C. § 102(e). Claims 4-6, 8, 17, 19, 24, and 32 are rejected under 35 U.S.C. § 103(a).

Claims 1, 11-12, 18, and 26-27 are rejected as being anticipated by Waykayama (U.S. Pat. No. 6,130,905. Examiner cites column 7, line 46 through column 10, line 41 in support of this rejection. Therein, Waykayama discloses a frequency hopping pattern at Figure 5 (f1-f4). The duration at each frequency, for example frequency f1, includes an occupied time t and a holding time Ta. The occupied time t is a certain period of time for the frequency to stabilize after each hop. (col. 2, lines 54-57). Communication is not possible during the occupied time. (col. 3, lines 3-5). The holding time Ta is the time duration at each frequency. (col. 2, lines 57-64). The holding time is set by dial unit 39 (Figure 3) and stored in memory unit 40. (col. 5, lines 5-6). Thus, communication device 1a has time (Ta-t) available at frequency f1 for transmission to communication device 1b. (col. 8, lines 12-15).

Claim 1-10 and 33 of the present invention recite "A method of controlling wireless communication between first and second frequency hopping wireless communication devices, comprising: the first device transmitting first data to the second device via a wireless communication link using a first data transmission rate and frequencies specified by a frequency hopping pattern; based on a selected criterion, selecting a single frequency from the frequency hopping pattern; the first device *deviating from the frequency hopping pattern for a period of time and transmitting second data to the second device via the wireless communication link on said single selected frequency during said period of time instead of on a plurality of frequencies specified by the frequency hopping pattern* for transmissions from the first device to the second device during said period of time; and said step of transmitting second data including the first device *transmitting the second data to the second device using a second data transmission rate that is different than said first data transmission rate.*" (emphasis added).

Waykayama does not disclose any deviation from a frequency hopping pattern. Moreover, Waykayama does not disclose transmitting on a single selected frequency during a period of time instead of on a plurality of frequencies specified by the frequency hopping pattern. In fact, Waykayama specifically teaches it is desirable to frequency hop rather than communicate at a fixed carrier, thereby teaching away from the present invention. Finally, Waykayama fails to disclose a second data transmission rate different from the first data transmission rate. Thus, claims 1-3, 7, and 9-10 are patentable over Waykayama under 35 U.S.C. § 102(e).

Claims 11-17 and 34 recite "A method of controlling wireless communication between first and second frequency hopping wireless communication devices, comprising: the first device transmitting first data to the second device via a wireless communication link using frequencies specified by a frequency hopping pattern; providing second data for transmission from the first device to the second device; based on a selected criterion, selecting a single frequency from the frequency hopping pattern; based on a characteristic of the second data, *the first device deviating from the frequency hopping pattern for a period of time and transmitting the second data to the second device via the wireless communication link on the single selected frequency during said period of time instead of on a plurality of frequencies specified by the frequency hopping pattern for transmissions from the first device to the second device during said period of time.*" (emphasis added).

Claims 18-25 and 35 recite "A frequency hopping wireless communication apparatus, comprising: a wireless communication interface for transmitting first data to a further frequency hopping wireless communication apparatus via a wireless communication link using a first data transmission rate and frequencies specified by a frequency hopping pattern; a controller coupled to said wireless communication interface for instructing said wireless communication interface to *deviate from the frequency hopping pattern for a period of time and transmit second data to the further apparatus via the wireless communication link on a single selected frequency during said period of time instead of on a plurality of frequencies specified by the frequency hopping pattern for transmission from said wireless communication interface to the further apparatus during said*

period of time, said single selected frequency selected from the frequency hopping pattern based on a selected criterion; and said controller further for *selecting a second data transmission rate for transmission of the second data during said period of time, wherein said second data transmission rate is different than said first data transmission rate.*" (emphasis added).

Claims 26-32 and 36 recite "A frequency hopping wireless communication apparatus, comprising: a wireless communication interface for transmitting first data to a further frequency hopping wireless communication apparatus via a wireless communication link using frequencies specified by a frequency hopping pattern; an input for receiving information indicative of a characteristic of second data to be transmitted by said wireless communication interface to the further apparatus; and a controller coupled to said input and to said wireless communication interface, said controller operable based on said characteristic for instructing said wireless communication interface to *deviate from the frequency hopping pattern for a period of time and transmit the second data to the further apparatus via the wireless communication link on a single selected frequency during said period of time instead of on a plurality of frequencies specified by the frequency hopping pattern* for transmissions from said wireless communication interface to the further apparatus during said period of time, said single selected frequency selected from the frequency hopping pattern based on a selected criterion." (emphasis added).

As previously discussed, Waykayama fails to disclose transmitting on a single selected frequency during a period of time instead of on a plurality of frequencies specified by the frequency hopping pattern. Waykayama also fails to disclose a second data transmission rate different from the first data transmission rate. Thus, claims 11-16, 18, 20-23, 25-31, and 34-36 are also patentable over Waykayama under 35 U.S.C. § 102(e).

Applicant has acknowledges the rejections of claims 4-6, 8, 17, 19, 24, and 32 under 35 U.S.C. § 103(a), but considers them moot for all the foregoing reasons. No combination of the cited references produces the above-recited claim limitations as required for a *prima facie* obviousness.

In view of the foregoing, applicant respectfully requests reconsideration and allowance of claims 1-36. If the Examiner finds any issue that is unresolved, please call applicant's attorney by dialing the telephone number printed below.

Respectfully submitted,



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TI-30346, Page 12